

RESOLUTION NO.: 128-2021

INTRODUCED BY: Henry and Mayor Roche

A RESOLUTION DETERMINING THAT THE APPLICATION TO ADD PROPERTY TO THE BELLE OAKS NEW COMMUNITY AUTHORITY IS SUFFICIENT AND COMPLIES WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE IN FORM AND SUBSTANCE; SETTING THE TIME AND PLACE FOR A HEARING ON THE PETITION AND AUTHORIZING THE NOTICE BY PUBLICATION OF SUCH HEARING; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code (“ORC”), a petition (the “Petition”) for the establishment of the Belle Oaks New Community Authority (the “Authority”) was submitted by Belle Oaks Marketplace LLC, (the “Developer”) to the City of Richmond Heights, Ohio (the “City”) on February 18, 2020;

WHEREAS, the Authority’s boundaries, as described in the Petition, are located entirely within the municipal corporate boundaries of the City, a municipal corporation, and this Council, as the legislative authority of the City, is therefore the Organizational Board of Commissioners, as defined in ORC §349.01(F)(3);

WHEREAS, this Council reviewed the Petition, and by Resolution No. 23-2020, passed on March 10, 2020, determined, pursuant to ORC §349.03, that the Petition complied with the requirements of that section as to form and substance, and, on May 12, 2020, held a public hearing for consideration of the Petition;

WHEREAS, this Council determined by Resolution No. 54-2020, passed on June 9, 2020, that the Petition would be conducive to the public health, safety, convenience, and welfare and declared the organization of the Authority;

WHEREAS, on November 8, 2021, the Developer filed with the Clerk of Council an Application to Add Property to the Belle Oaks New Community Authority Pursuant to Chapter 349 of the Ohio Revised Code (the “Application”), requesting that a certain parcel of real property located at 775 Richmond Road, Permanent Parcel No. 662-30-105, be added to the District;

WHEREAS, the Application further provides that the addition of such land will be conducive to the public health, safety, convenience and welfare of the District, will be consistent with the development of the District, will not jeopardize the plan of development of the District and that such land is owned by an affiliate of the Developer.

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio that:


Section 1: This Council has examined the Application and determines that the Application is sufficient and complies with the requirements of ORC §349.03 as to form and substance.

Section 2: Pursuant to ORC §349.03, this Council determines to hold a hearing on the Application on December 14, 2021 at Richmond Heights City Hall, and authorizes the Clerk to cause notice of the hearing to be published once a week for three consecutive weeks prior to the hearing in a newspaper of general circulation within Cuyahoga County, Ohio, pursuant to ORC §349.03(A).

Section 3: It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including R.C. Section 121.22.

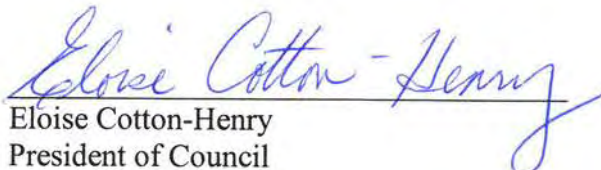
Section 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary to comply with the timing requirements contained in Ohio Revised Code Chapter 349; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: November 23, 2021


David H. Roche, Mayor

APPROVED: November 23, 2021

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council


Eloise Cotton-Henry
President of Council